

Appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part.

Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. (Sec. 5, Chapter 25, G.L. Ter. Ed., as most recently amended by Chapter 485 of the Acts of 1971).

D.T.E. 98-13E

Investigation pursuant to the Electric Restructuring Act, St. 1997, c. 164, §§ 239, 240 (G.L.

c. 164, §§ 94G, 94G½) by the Department of Telecommunications and Energy, to consider whether granting exemptions from some or all of the requirements of G.L. c. 164, §§ 94G and 94G½ (including fuel charges, performance reviews, and goal-settings) for Massachusetts Electric Company and Nantucket Electric Company is in the public interest.

APPEARANCES: Thomas G. Robinson, Esquire

New England power Service Companies

25 Research Drive

Westborough, Massachusetts

FOR: Massachusetts Electric Company

and Nantucket Electric Company

Respondent

Thomas F. Reilly, Attorney General

By: John M. Grugan, Assistant Attorney General

Joseph W. Rogers, Assistant Attorney General

Regulated Industries Division

Public Protection Bureau

200 Portland Street

Boston, Massachusetts 02114

Intervenor

## ORDER

### I. INTRODUCTION

On August 31, 1999, the Department of Telecommunications and Energy ("Department") issued an Order, D.T.E. 98-13E ("Order"), in the captioned matter directing, in pertinent part, Massachusetts Electric Company and Nantucket Electric Company (collectively, the "Companies") to return their March 1998 fuel charge over-recovery totals to their ratepayers. On September 17, 1999, the Companies proposed jointly two plans to return the fuel charge over-recovery ("Compliance Filing"). One plan returns the fuel charge over-recovery to the Companies' ratepayers over the three-month period beginning October 1, 1999, and is pursuant to the Order (Compliance Filing at 1). A second plan returns the fuel charge over-recovery to the Companies' ratepayers over a six-month period beginning October 1, 1999 (id.).

### II. POSITION OF THE COMPANIES

The Companies requests that the Department allow the return of the fuel charge over-recovery over a six-month period beginning October 1, 1999, rather than the three-month period stated in the Order (id.). The Companies state that the longer refund period is appropriate given the amount of the fuel charge over-recovery and the consequent "spike" in ratepayers' bills that would occur in January 2000 if the three-month period were followed (id.). According to the Companies, refunding the fuel charge over-recovery over the three-month period beginning in October 1999 would create relatively higher bills for ratepayers in January 2000 because the refund would occur during the Companies' typical low sales period and would be discontinued at the commencement of peak heating bills for many ratepayers, thus "spiking" ratepayers' bills (id.).

### IV. ANALYSIS AND FINDINGS

Due to the size of fuel charge over-recovery, the rebate's expiration at the end of

December 1999 under a three-month return period, and the increased winter usage of electricity in January 2000, there is a potential for a "spike" in ratepayers' bills in

January 2000 if the fuel charge over-recovery is refunded over a three-month period commencing October 1, 1999 (id.). Therefore, the Department finds that extending the return of the fuel charge over-recovery to a six-month period, commencing with the billing month of October 1999 and ending the billing month of March 2000, will mitigate the potential for a "spike" in ratepayers' bills. The Department directs the Companies to

file by March 15, 2000, a reconciliation for the purpose of implementing any adjustment to the credit amount that may be necessary due to a discrepancy between the forecasted kilowatthour ("KWH") and the actual KWH consumed while the credit is in effect.

### III. ORDER

After due consideration, it is

ORDERED: That Massachusetts Electric Company and Nantucket Electric Company return their fuel charge over-recovery in the form of a per KWH credit on bills issued pursuant to meter readings for the billing months of October 1999 through March 2000; and it is

FURTHER ORDERED: That Massachusetts Electric Company and Nantucket Electric Company file by March 15, 2000, a reconciliation for the purpose of implementing any adjustment to the credit amount that may be necessary due to a discrepancy between the forecasted KWH and the actual KWH consumed while the credit is in effect; and it

FURTHER ORDERED: That Massachusetts Electric Company and Nantucket Electric Company comply with all other directives contained in the Order.

By Order of the Department,

\_\_\_\_\_ Janet Gail Besser, Chair

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James Connelly, Commissioner

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W. Robert Keating, Commissioner

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Paul B. Vasington, Commissioner

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Eugene J. Sullivan, Jr., Commissioner